

**IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

LUIS RICARDO GUARIN-PEREZ,

Petitioner,

vs.

DANIEL G. SEDLOCK, Jr.,
Jail Administrator,
McHenry County Jail, et. al.,

Respondents.

No. 08 C 2286

Hon. Judge Matthew Kennelly

**PETITIONER'S MOTION TO VOLUNTARILY DISMISS HIS
PETITION FOR A WRIT OF HABEAS CORPUS**

The petitioner Luis Ricardo Guarin-Perez, through the undersigned counsel, hereby respectfully requests this Honorable Court to dismiss his petition for a writ of habeas corpus filed on April 22, 2008. On May 29, 2008, the Immigration Judge (IJ) denied all of the petitioner's relief applications in defense to removal to Colombia, his home country. Exhibit 1. The immigration statutes and its impending regulations provide the alien respondent with a right to appeal administratively to the Board of Immigration Appeals (BIA) within thirty days of the IJ's decision, however, after consultation with counsel and family, the petitioner will forgo any appeal and accept deportation from the United States. Exhibit 2.

As an initial matter, the undersigned counsel apologizes for his failure to appear before this Court in a pre-scheduled status hearing on June 17, 2008.

Exhibit 3. Counsel has no excuse for his absence as he was simply unaware of the scheduling of said hearing. Upon review of the docket entries provided by the Court, he now realizes that a hearing was scheduled in this matter for June 17, 2008. Counsel will appear at all future hearings.

As reflected in papers previously filed with this Court, Mr. Guarin-Perez has been detained in the custody of the U.S. Department of Homeland Security (DHS) since November 11, 2007. Since then, he has applied for a bond with the IJ, appealed the IJ's denial of bond to the BIA, and sought both habeas corpus review and a temporary restraining order against the respondents' detention. Following the IJ's denial of all applications for relief, the termination of his alien resident status, and entry of an order of deportation to Colombia, the petitioner is now faced with the prospect of remaining in the government's custody for another three to six months while he appeals administratively to the BIA, provided that this Court does not grant habeas corpus relief within the impending period. Against counsel's wishes, the petitioner has elected to waive his right to appeal the IJ's deportation order and he accepts removal to his home country. Counsel has recently filed documents to that effect with the Chicago Immigration Court. Exhibit 2.

Given that the petitioner no longer wishes to challenge his deportation order in either administrative or judicial tribunals, he hereby respectfully requests to withdraw from his petition for a writ of habeas corpus.

Respectfully submitted,

/s/ David Cook

Date: June 18, 2008

DAVID COOK
Attorney for Luis Ricardo Guarin-Perez
Kenneth Y. Geman and Associates
33 N. LaSalle St., Ste. 2300
Chicago, Illinois 60602
(312) 262-6114
(312) 263-0104
david@gemanimmigrationlaw.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that in accordance with Fed. R. Civ. P. 5, L.R. 5.5, and the General Order on Electronic Case Filing (ECF), the PETITIONER'S MOTION TO VOLUNTARILY DISMISS HIS PETITION FOR A WRIT OF HABEAS CORPUS was served pursuant to the District Court's ECF system as to ECF filers on June 18, 2008, to the following ECF filers, or by regular mail to any non-ECF filers at this address:

Spec. AUSA Sheila McNulty
219 South Dearborn Street
5th Floor
Chicago, Illinois 60604
(312) 353-8788

/s/ David Cook

DAVID COOK
Attorney for Luis Ricardo Guarin-Perez
Kenneth Y. Geman and Associates
33 N. LaSalle St., Ste. 2300
Chicago, IL 60602
(312) 263-6114 phone
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david@gemanimmigrationlaw.com

TABLE OF CONTENTS

- Exhibit 1: Order of the Immigration Judge terminating the petitioner's permanent resident status and ordering him deported to Colombia.
- Exhibit 2: Petitioner's motion to waive the thirty days to appeal the decision of the Immigration Judge and notice to the Department of Homeland Security accepting removal/deportation to Colombia.
- Exhibit 3: Minute entry of this Court ordering Mr. Cook's attendance at the upcoming status hearing date scheduled for July 14, 2008 at 9:30 AM.

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Chicago, IL 60605

In the Matter of:

Case A# 43-748-996

GUARIN, LUIS RICARDO
Respondent

IN REMOVAL PROCEEDINGS

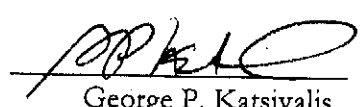
ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on MAY 29 2008. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

- ☒ The respondent was ordered removed from the United States to Colombia.
- ☐ Respondent's application for voluntary departure was denied and respondent was ordered removed to _____ alternative to _____.
- ☐ Respondent's application for voluntary departure was granted until _____ upon posting a bond in the amount of \$ _____ with an alternate order of removal to _____.
- ☒ Respondent's application for asylum was () granted (☒ denied () withdrawn.
- ☒ Respondent's application for withholding of removal was () granted (☒ denied () withdrawn.
- ☒ Respondent's application for withholding/deferral of removal under Article 3 of the U.N. Convention Against Torture was () granted (☒ denied () withdrawn.
- ☒ Respondent's application for cancellation of removal under Section 240A(a) was () granted (☒ denied () withdrawn.
- ☒ Respondent's application for cancellation of removal under Section 240A(b) was () granted (☒ denied () withdrawn.
- If granted, it was ordered that the respondent be issued all appropriate documents necessary to give effect to this order.
- ☒ Respondent's application for a waiver under Section 212(c) of the INA was () granted (☒ denied () withdrawn () other.
- ☐ Respondent's application for adjustment of status under Section _____ of the INA was () granted () denied () withdrawn. If granted, it was ordered that respondent be issued all appropriate documents necessary to give effect to this order.
- ☐ Respondent's status was rescinded under Section 246.
- ☐ Respondent is admitted to the United States as a _____ until _____.
- ☐ As a condition of admission, respondent is to post a \$ _____ bond.
- ☐ Respondent knowingly filed a frivolous asylum application after proper notice.
- ☐ Respondent was advised of the limitation on discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.
- ☐ Proceedings were terminated.
- ☒ Other: RE-ENTRY ADVISALS GIVEN - LPR STATUS IS TERMINATED

Date: May 29, 2008

APPEAL: Reserved Waived Alien / DHS / Both)
Appeal Due by: 6/30/08


George P. Katsivalis
Immigration Judge

Administrative Control Court: Immigration Court, 55 E. Monroe, Ste. 1900, Chicago, IL 60603
Hearing Conducted by Video Conference

Exhibit no. 1

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
CHICAGO, ILLINOIS

In the Matter of:

Luis Ricardo GUARIN-Perez,

Respondent.

File No. A 437 48 996

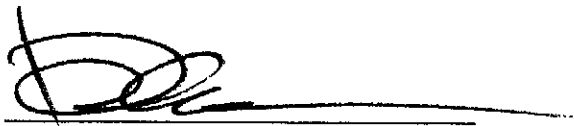
DETAINED

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW
CHICAGO, ILLINOIS
2008 JUN 13 AM 9:43

**RESPONDENT'S REQUEST TO WAIVE THE 30 DAYS TO APPEAL
THE DECISION OF THE IMMIGRATION JUDGE**

Through counsel, Luis Ricardo GUARIN-Perez hereby waives his legal right to appeal the decision of the Immigration Judge (IJ) ordering his removal to Colombia. The respondent does not wish to appeal the IJ's order to the Board of Immigration Appeals and he hereby requests U.S. Immigration Customs Enforcement (ICE) to expeditiously effectuate removal notwithstanding the fact that he reserved 30 days to appeal the IJ's decision. Attached hereto, please find the respondent's signed statement to that effect. Exhibit 2. The removal order was entered by the IJ on May 29, 2008. Exhibit 1.

Respectfully submitted,



Date: June 12, 2008

David Cook
Kenneth Y. Geman and Associates
33 N. LaSalle St., Ste. 2300
Chicago, Illinois 60602
(312) 263-6114
(312) 263-0104

Exhibit No. 2

CERTIFICATE OF SERVICE

I, David M. Cook, hereby certify that the foregoing motion was served by me by
hand delivery to the following named party:

USICE Office of the Chief Counsel
55 East Monroe St., Ste. 1700
Chicago, Illinois 60603

USICE Detention and Removal Operations
101 West Congress Parkway
4th Floor
Chicago, Illinois 60605



David M. Cook
Attorney for the Respondent

Date: June 12, 2008

U.S. DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
Chicago, IL 60605

In the Matter of:

Case A# 43-748-996

GUARIN, LUIS RICARDO
Respondent

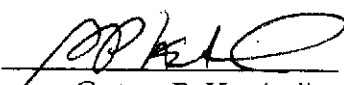
IN REMOVAL PROCEEDINGS

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Date: May 29, 2008APPEAL: Reserved / Waived / Alien / DHS/Both)Appeal Due by: 6/30/08


George P. Katsivalis
Immigration Judge

Administrative Control Court: Immigration Court, 55 E. Monroe, Ste. 1900, Chicago, IL 60603
Hearing Conducted by Video Conference

STATEMENT OF THE RESPONDENT

I, Luis Ricardo Guarin-Perez, understand that the Immigration Judge had ordered me deported to my home country, Colombia, on or about May 29, 2008. My attorney advised me that I have the right to appeal the Immigration Judge's decision to the Board of Immigration Appeals. Furthermore, I have been advised that a notice to appeal must be filed and received by the Board of Immigration Appeals within thirty (30) days of the Immigration Judge's decision if I desire to appeal.

I, Luis Ricardo Guarin-Perez, of sound mind and body, hereby waive my right to appeal the Immigration Judge's decision to deny all relief applications. I understand that waiving my right to appeal, I will have no legal recourse against deportation to Colombia and I hereby accept deportation to Colombia.

Furthermore, I have been advised that upon my deportation to my home country, I will be legally unable to apply for a visa into the United States within ten (10) years of my deportation unless I apply for and receive special permission from the U.S. government to return to the United States notwithstanding the ten-year bar to visa eligibility. I understand that by returning to the United States without permission and authorization can result in a criminal prosecution against me.


Luis Ricardo Guarin-Perez

06-11-08
Date

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF LIVE, Ver 3.2.1
Eastern Division**

Luis Ricardo Guarin–Perez

Plaintiff,

v.

Case No.: 1:08–cv–02286

Honorable Matthew F. Kennelly

Daniel J. Sedlock Jr., et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Tuesday, June 17, 2008:

MINUTE entry before the Honorable Matthew F. Kennelly: Status hearing held on 6/17/2008 and continued to 8/14/2008 at 09:30 AM. Petitioner's attorney is ordered to appear. (or,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

For scheduled events, motion practices, recent opinions and other information, visit our web site at www.ilnd.uscourts.gov.

Exhibit no. 3